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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,349	10/05/2000	Aaron T. Jones	0112300/030	7826

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EXAMINER	
COBURN, CORBETT B	
ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/680,349	Applicant(s) JONES, AARON T.
	Examiner Corbett B. Coburn	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 11-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 11-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The Declaration of Aaron Jones under 37 CFR 1.132 filed 25 August 2003 is insufficient to overcome the rejection of claims 1-48 based upon obviousness under 35 USC §103(a) as set forth in the Final Rejection because:

The declaration fails to present independent evidence that the problem solved was a long-felt need. The articles presented suggest that once a solution was presented it was readily accepted. The articles suggest that once Sigma's products came on the market, they were hailed as a great innovation. But there is nothing in the record to suggest that the industry had recognized this issue and had actively pursued a solution.

True, Mr. Jones discusses the evolution of paytable displays. But the record does not provide any independent, objective evidence in support of his belief that the industry has sought to simplify paytable displays for 25 years or more. Mr. Jones' belief is simply his opinion. While Mr. Jones' opinion carries some weight, it is of insufficient probative value to overcome the rejections.

It should also be noted that at least part of Mr. Jones' declaration tends to show the industry making the paytable displays more complex. For instance, paytables went from being a relative simple table that was continuously displayed to being a complex table that required multiple pages to display. Mr. Jones' description of "next" and "previous" buttons does not address the issue of simplification of table display – the existence of these buttons merely suggests that the paytables had become more complex.

Highlighting or boxing the winning symbols does not appear to address simplifying the paytable display. First, these occurred only after a win had occurred. Second, boxing did not even occur on the paytable – Mr. Jones describes boxing the symbols on the reel. While this may have had the effect of helping the player determine why he had won, it did nothing to actually simplify the paytable itself.

Grouping the symbols in the paytable into related groups does simplify the paytable, but this has been done since early in the history of slot machines. Fey shows a paytable with grouped symbols used by the 1899 Liberty Bell. Examiner does not believe that this constitutes evidence of a long felt need to hyperlink symbols on the reel to the paytable information.

In view of the foregoing, Examiner believes the Declaration of Aaron Jones to be insufficient to overcome rejections under 35 USC §103(a).

Claim Rejections - 35 USC § 103

2. Claims 1-4, 11-28, 32 & 34-39, 42-46 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie. (US Patent Number 5,883,537) in view of Medl et al. (US Patent Number 6,209,006)

Claims 1, 3, 4, 11, 34, 37-39, 42-46, 49: Barrie teaches a game controller (214); a display device (112) attached to the controller and controlled thereby; a plurality of reels (116a-c) displayed on the display device; and a plurality of symbols (118a-i) displayed on the reel. Barrie teaches a game operable upon a wager by the player. Barrie teaches at least one payline associated with the reels. There are a plurality of different winning combinations of the symbols and a plurality of awards each resulting from one of the winning combinations occurring on the payline. (Fig 4) The controller causes the

display device to display randomly generated symbols. There is a means (touch screen, 218) connected to the controller for selecting a symbol on the screen – the player selects a symbol to add a persistent symbol. (Fig 5, 516) The touch screen is a digital input device. There is a paytable display for the symbol stored in memory. (Viewed by selecting button 138f.) Barrie teaches displaying the paytable when the player selects a button (138f), but does not teach displaying paytable for a particular symbol when the player selects that symbol.

Medl teaches providing pop-up help concerning a symbol when a player selects that symbol on a computer screen. Medl teaches that this is non-intrusive and provides immediate help "where the user knows in advance of selection that the information provided will specifically correlate with the help information needed." (Col 1, 47-52) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie to display paytable information for a particular reel symbol when the player selects that symbol on the reel in view of Medl's suggestion that doing so will provide immediate help "where the user knows in advance of selection that the information provided will specifically correlate with the help information needed in a non-intrusive manner.

Claim 2: Barrie's Fig 1 shows a plurality of symbols on a plurality of wheels.

Claim 12: Barrie teaches the invention substantially as claimed. Barrie teaches displaying the entire paytable. Medl teaches providing information only on a particular symbol selected by the user. Medl teaches that this is non-intrusive and provides immediate help "where the user knows in advance of selection that the information

provided will specifically correlate with the help information needed." (Col 1, 47-52) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie to display paytable information for a particular reel symbol when the player selects that symbol on the reel in view of Medl's suggestion that doing so will provide immediate help "where the user knows in advance of selection that the information provided will specifically correlate with the help information needed in a non-intrusive manner.

Claim 13: Clearly displaying a separate help display (a paytable) for each symbol as suggested by Medl would be displaying a plurality of paytables. Since the controller controls the display of the paytables the sequencing of the paytables would be according to a sequence contained in the controller.

Claim 14: Clearly displaying a separate help display (a paytable) for each symbol as suggested by Medl would be displaying a plurality of paytables for a plurality of symbols.

Claim 15: Barrie teaches the invention substantially as claimed, but does not teach multiple ways to link to the paytable display. Barrie teaches that a symbol may appear in more than one place – Fig 1 shows two bells. Medl teaches that selecting a symbol on the screen causes the help to be displayed. If, as suggested by Barrie, more than one copy of the symbol may appear, selecting any copy of the symbol should obviously generate the help display. Otherwise, the player will not know which copy of the symbol to choose. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie in view of Medl to enable a player to select one of a plurality of

means (i.e., any of the displayed copies of the symbol) for selecting a single paytable in order to provide help to the player without undue confusion.

Claims 16, 17, 32: Barrie teaches a touch screen and buttons making selections. (Fig 2) Touch screens, buttons, cursors, joysticks, mice, light pens, light detectors, rollers, remote controls, etc. are ***NOTORIOUSLY*** well known equivalents.

Claim 18: Barrie teaches a plurality of symbols (118a-i). Medl teaches a separate selector (i.e., a separate hyperlinked symbol) for each symbol.

Claims 35 & 36: Medl teaches context sensitive help provides help on a specific topic. As taught in Medl's Fig 1b, each symbol has it's own help information. Thus to implement Medl's context sensitive help for a gaming machine's symbols, it would be necessary to have a separate paytable for each of the plurality of symbols.

3. Claims 5-8, 19-24, 26-31, 40, 41, 47 & 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie and Medl as applied to claim 1, 2, 15, 39 or 49 above, and further in view of and Fey (*Slot Machines, A Pictorial History of the First Hundred Years*, 1983).

Claim 5, 8: Barrie teaches displaying a paytable, but does not teach the form of the paytable. Fey teaches traditional form of a paytable. As clearly shown in the picture of the Fey 1899 Liberty Bell slot machine, each symbol is associated with at least one paytable display. This has been the industry standard for over a hundred years. It would have been obvious to one of ordinary skill in the art at the time of the invention to have each symbol in Barrie's paytable associated with at least one paytable display in order to be in line with industry standards as depicted in Fey.

Claim 6: Applicant's Specification, pages 3 & 4, discloses that it is well known in the art to have paytables that are too large to display on a single screen. These paytables obviously have a plurality of displays (screens of data). Equally obviously, each of these displays (screens of data) would contain different paytable information from each of the other displays – it makes no sense to have duplicate pages of data.

Claim 7: Barrie teaches a touch screen that is a means for selecting to display a paytable.

Claim 19: Barrie teaches displaying a paytable, but does not teach the format of the paytable. Medl teaches displaying help information concerning each selected symbol. Fey teaches the format of the paytable. As clearly shown by Fey, paytable information includes payout information for combinations of symbols containing a particular symbol.

Claims 20-24, 26-31, 40, 41, 47 & 48: These claims are drawn to the contents of the paytables displayed. Features such as bonus triggers, scatter pay, multipliers, and substitute information are well known to the art. Obviously, the paytable information displayed would reflect the information in the games paytable, and, for games having these well-known features, would contain information concerning these features. Obviously, the paytable would show all winning combinations of the symbol and all awards associated therewith.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie and Medl as applied to claim 1 above, and further in view of Walker et al. (US Patent Number 6,068,552).

Claim 25: Barrie and Medl teach the invention substantially as claimed, but do not teach displaying the paytable on a secondary video display. Barrie does not disclose how the paytable is displayed, but it must be displayed on a video display. Medl teaches

displaying the help information in a separate window (Fig 3) positioned to be non-intrusive. Medl teaches that it is important that the help information be displayed in a non-intrusive manner. (Col 1, 45-52) It would be difficult to display a great deal of information in a non-intrusive manner on a busy video screen such as that depicted in Barrie's Fig 1. Displaying the paytable information on a secondary video display would allow paytable information to be displayed in a non-intrusive manner. Walker has a secondary video display (229) that is used to display paytable information. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie and Medl to display the paytable on Walker's secondary display in order to present the paytable in a non-intrusive manner as suggested by Medl.

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie and Medl as applied to claim 13 above, and further in view of Victor et al. (US Patent Number 5,363,482)

Claim 33: Barrie and Medl teach the invention substantially as claimed but do not teach the step of sequencing said paytables according to a sequence contained in said controller includes a timed sequential display of each of said paytables. Victor teaches displaying data in a sequence in a timed sequential display. (Col 4, 57-61) This allows a number of screens to be presented without user intervention. In cases where the paytable information is too large to fit on a single screen, it would be necessary to display more than one screen's worth of data. In that case, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Barrie and Medl to sequence said paytables according to a sequence contained in said controller including a

timed sequential display of each of said paytables as suggested by Victor in order to present a number of screens of data without user intervention.

Response to Arguments

6. Applicant's arguments with respect to claims 1-8 & 11-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reference Name	US Patent Number	Applicability
Bridgeman et al.	5,984,779	Multiple paytables
Feola	6,149,156	Multiple paytables
DeMar et al.	6,270,410	Remote control input device
Fischer et al.	6,208,338	Hyperlinked help
Montgomery et al	US 2002/0002073	Push button to display paytable
Alcorn	N/A	Paytable displayed in separate area of screen
Nelson	US 2002/0004424	Online help for game
Bridgeman et al.	5,046,736	Equivalence of mouse, touch screen, light pen, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cbc

JESSICA HARRISON
PRIMARY EXAMINER